

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

6:16-cv-1277

Andria Berger Plaintiff(s)

Civil Case No.:

CIVIL COMPLAINT  
PURSUANT TO  
TITLE VII OF THE  
CIVIL RIGHTS ACT,  
AS AMENDED

vs.  
NYS Office for People with Developmental Disabilities  
Julie Lafontaine, individual + official capacity  
Bill Loya, individual + official capacity Defendant(s)

Plaintiff(s) demand(s) a trial by: ☐ JURY ☒ COURT (Select only one).

JURISDICTION

1. Jurisdiction is conferred on this court pursuant to 42 U.S.C. § 2000e-5.

PARTIES

2. Plaintiff: Andria M. Berger  
Address: 131 Wendell Avenue  
Brooklyn, NY  
12025

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: Julie Lafontaine  
Official Position: Treatment Team Leader  
Address: 500 3rd St 3 Care Lane  
Saratoga Springs, NY  
12866

b. Defendant: Bill Laya  
 Official Position: CSEA, Local 401 Union President  
 Address: 3 Care Lane  
Saratoga Springs, NY  
12806

4. This action is brought pursuant to:

☒ Title VII of the Civil Rights Act of 1964, as amended, codified at 42 U.S.C. § 2000e *et seq.*, and the Civil Rights Act of 1991, for employment discrimination based on race, color, religion, sex or national origin.

☐ Pregnancy Discrimination Act of 1978, codified at 42 U.S.C. § 2000e(k), as amended, Civil Rights Act of 1964, and the Civil Rights Act of 1991, for employment discrimination based on pregnancy.

5. Venue is invoked pursuant to 28 U.S.C. s 1391.

6. Defendant's conduct is discriminatory with respect to the following (check all that apply):

- (A) ☐ My race or color.
- (B) ☐ My religion.
- (C) ☒ My sex (or sexual harassment).
- (D) ☐ My national origin.
- (E) ☐ My pregnancy.
- (F) ☐ Other: Disability Rights

7. The conduct complained of in this action involves:

- (A) ☐ Failure to employ.
- (B) ☐ Termination of employment.
- (C) ☐ Failure to promote.
- (D) ☒ Unequal terms and conditions of employment.
- (E) ☐ Reduction in wages.
- (F) ☒ Retaliation.
- (G) ☒ Other acts as specified below:  
constructive Discharge

8.

**FACTS**

Set forth the facts of your case which substantiate your claims. List the events in the order they happened, naming defendants involved, dates and places.

**Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).**

*please see attached facts pg. 1 + 2.*

9.

**CAUSES OF ACTION**

**Note: You must clearly state each cause of action you assert in this lawsuit.**

**FIRST CAUSE OF ACTION**

*please see attached pages 1-22*

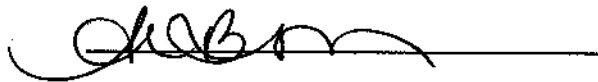
15. **PRAYER FOR RELIEF**

**WHEREFORE**, plaintiff(s) request(s) that this Court grant the following relief:

Declaratory, punitive, Compensatory + injunctive relief.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: October 25, 2016

A handwritten signature in black ink, appearing to be 'JAB', is written over a horizontal line.

\_\_\_\_\_  
Signature of Plaintiff(s)  
(all Plaintiffs must sign)

02/2010

**SECOND CAUSE OF ACTION**

*PLEASE See attached pages 1-22*

**THIRD CAUSE OF ACTION**

*PLEASE See attached pages 1-22*

10. I filed charges with the New York State Division on Human Rights, the New York City Commission on Human Rights or Equal Employment Opportunity Commission regarding the alleged discriminatory acts on or about:

November 2015  
(Provide Date)

11. The Equal Employment Opportunity Commission issued a Notice-of-Right-to-Sue letter (**copy attached**) which was received by me on or about:

August 2016  
(Provide Date)

12. The plaintiff is an employee within the meaning of 42 U.S.C. § 2000e(f).
13. The defendant(s) is (are) an employer, employment agency, or labor organization within the meaning of 42 U.S.C. § 2000e(b), (c), or (d).
14. The defendant(s) is (are) engaged in commerce within the meaning of 42 U.S.C. § 2000e(g).